

**REMARKS**

Claims 1, 4, 7, 8, 9, 10, and 12 are amended. Claims 2, 3, 5, and 6 depend on amended claim 1. Claims 1 through 12 are under consideration. Reconsideration of all amended and original claims is respectfully requested.

**Rejection Under 35 U.S.C. § 112 Rejection**

Claims 1-10 and 12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

In Paragraphs 6 and 7, the Action points out informalities in claim 1. In response, claim 1 has been amended to correct the informalities.

In paragraph 8, the Action states that the term "key field" holds a single piece of data and therefore its use renders claim 4 indefinite.

In response, applicant has amended the claim 4 to use the term "key field" as denoting a single piece of data.

In Paragraph 9 the Action rejects Claim 7 as being indefinite. In response, the informality has been corrected.

In Paragraph 10, the Action rejects claim 8 as being indefinite, particularly to the use of the statements: "coordinating the exchange of information"; the specific type of information to be exchanged; the specific steps of hiring; and the concept of different levels of users.

In response, claim 8 is amended to more particularly define the steps of the hiring process.

In Paragraph 11, claim 9 is rejected. In response applicant has corrected the informality.

In Paragraph 12, claim 10 is rejected as indefinite. In response, the term "module" has been deleted and replaced by the term --data records—in compliance with the terminology used in the database art.

In Paragraph 13, claim 12 is rejected. In response, claim 12 is amended to correct the informality.

Claims 2, 3, 5 and 6 —that all depend on claim 1 have been corrected.

In summary, the above amendments correct all of the deficiencies, and therefore, rejection of claims 1-10 and 12 should be withdrawn.

### 35 U.S.C. § 102 (e) Rejections

The Examiner rejected claims 1 and 3-12 under 35 U.S.C. § 102 (e) as being anticipated by Stimac (US Patent Application Publication 2003/0071852—"the '852 application").

### Invention disclosures

The Stimac Patent Application, having a priority date of June 5, 2001 (Applicants' application has a priority date of July 31, 2001), describes a method and system for screening job applicants by using at least one input device to receive questions about a job opening and job applicants, and a processor that processes the data input above, and ranks the job applicants. (see claim 28 of the '852 application). In other words, the Stimac '852 application is focused on rapid screening of applicants for positions that are common and where there is high volume numbers of applicants. The

'852 application provides a rapid resume processing system and although it mentions interviewing as a minor step in the overall system, it does not make interviewing an essential element of the invention.

In contrast, the present invention places great focus on the interviewing function and related best practices, and therefore, the key elements of the invention are the management and coordination of the interview teams, use of multiple interviewers, team building, avoidance of redundancy in duplicating interview questions, and ultimately providing a more accurate evaluation of the applicants and correct hiring decisions. (See Appendix for several references from the specification for support).

In paragraph 17, the Action states that Stimac teaches a computer readable medium of instructions configured as a multiple database information exchange management system used in network operations as claimed ....(refer to Paper No 7).

In response, applicants submit amendments in claim 1 that clearly show that the prior art element is not an equivalent of the structure, the data records or acts disclosed in the present invention, as explained in the invention disclosures above and as represented in the amended claim 1. Applicants have reviewed the cited paragraphs of the '852 application for each sub-part of amended claim 1 and conclude that, the materials disclosed are different and distinguishable. Therefore this rejection should be withdrawn.

In paragraph 18, the Action states that Stimac teaches a computer software provided to execute hiring practices intelligently as claimed, said system .....(refer to Paper 7).

In response, applicants submit amendments in claim 10 that clearly show that the prior art element is not an equivalent of the structure, the data records or acts disclosed in the present invention, as explained in the invention disclosures above and as represented in the amended claim 10. Applicants have reviewed the cited paragraphs of the '852 application for each sub-part of amended claim 10 and conclude that, the materials disclosed are different and distinguishable. Therefore this rejection should be withdrawn

In paragraph 19, the Action states that *Stimac teaches a method of hiring personnel intelligently as claimed, said method comprising the steps of ....* (Refer to Paper 7).

In response, applicants submit amendments in claim 11 that clearly show that the prior art element is not an equivalent of the structure, the data records or acts disclosed in the present invention, as explained in the invention disclosures above and as represented in the amended claim 11. Applicants have reviewed the cited paragraphs of the '852 application for each sub-part of amended claim 11 and conclude that, the materials disclosed are different and distinguishable. Therefore this rejection should be withdrawn.

In paragraph 20, the Action states that *Regarding claim 3, Stimac teaches a computer readable medium further comprising a security means.....*(Refer to Paper 7).

In response, applicants submit that the amendments made in claim 1 that clearly show that the prior art element is not an equivalent of the structure, the data records or acts disclosed in the present invention, as explained in the invention disclosures above and as represented in the amended claim 1. Applicants have reviewed the cited paragraphs of the '852 application for claim 3 (dependent on claim 1) and conclude that,

the materials disclosed are different and distinguishable from the present invention.

Therefore this rejection of claim 3 should be withdrawn.

In paragraph 21, the Action states that Regarding claim 4, Stimac teaches a computer readable medium wherein human resources records contain .....(Refer to Paper 7).

In response, applicants submit that the amendments made in claim 1 that clearly show that the prior art element is not an equivalent of the structure, the data records or acts disclosed in the present invention, as explained in the invention disclosures above and as represented in the amended claim 1. Applicants have reviewed the cited paragraphs of the '852 application for claim 4 (dependent on claim 1) and conclude that, the materials disclosed are different and distinguishable from the present invention. Therefore this rejection of claim 4 should be withdrawn.

In paragraph 22, the Action states that Regarding claim 5, Stimac teaches a computer readable medium further comprising a database of instructions pertaining to training of users ....(Refer to Paper 7).

In response, applicants submit that the amendments made in claim 1 that clearly show that the prior art element is not an equivalent of the structure, the data records or acts disclosed in the present invention, as explained in the invention disclosures above and as represented in the amended claim 1. Applicants have reviewed the cited paragraphs of the '852 application for claim 5 (dependent on claim 1) and conclude that, the materials disclosed are different and distinguishable from the present invention. Therefore this rejection of claim 5 should be withdrawn.

**In paragraph 23**, the Action states that *Regarding claim 6, Stimac teaches a computer readable medium wherein said interactive database query engine includes means for searching key fields of a database .....(Refer to Paper 7).*

In response, applicants submit that the amendments made in claim 1 that clearly show that the prior art element is not an equivalent of the structure, the data records or acts disclosed in the present invention, as explained in the invention disclosures above and as represented in the amended claim 1. Applicants have reviewed the cited paragraphs of the '852 application for claim 6 (dependent on claim 1) and conclude that, the materials disclosed are different and distinguishable from the present invention. Therefore this rejection claim 6 should be withdrawn.

**In paragraph 24**, the Action states that *Regarding claim 7, Stimac teaches a computer readable medium wherein said key fields include ....(Refer to Paper 7).*

In response, applicants submit that the amendments made in claim 1 that clearly show that the prior art element is not an equivalent of the structure, the data records or acts disclosed in the present invention, as explained in the invention disclosures above and as represented in the amended claim 1. Applicants have reviewed the cited paragraphs of the '852 application for claim 7 (dependent on claim 1) and conclude that, the materials disclosed are different and distinguishable from the present invention. Therefore this rejection of claim 7 should be withdrawn.

**In paragraph 25**, the Action states that *Regarding claim 8, Stimac teaches a computer readable medium further comprising means for organizing the hiring process ....(Refer to Paper 7).*

In response, applicants submit that the amendments made in claim 1 that clearly show that the prior art element is not an equivalent of the structure, the data records or acts disclosed in the present invention, as explained in the invention disclosures above and as represented in the amended claim 1. Applicants have reviewed the cited paragraphs of the '852 application for claim 8 (dependent on claim 1) and conclude that, the materials disclosed are different and distinguishable from the present invention. Therefore this rejection of claim 8 should be withdrawn.

In paragraph 26, the Action states that *Regarding claim 9, Stimac teaches a computer readable medium further comprising means to restrict entries ....*(Refer to Paper 7).

In response, applicants submit that the amendments made in claim 1 that clearly show that the prior art element is not an equivalent of the structure, the data records or acts disclosed in the present invention, as explained in the invention disclosures above and as represented in the amended claim 1. Applicants have reviewed the cited paragraphs of the '852 application for claim 9 (dependent on claim 1) and conclude that, the materials disclosed are different and distinguishable from the present invention. Therefore this rejection of claim 9 should be withdrawn.

In paragraph 27, the Action states that *Regarding claim 12, Stimac teaches a method of hiring intelligently, further comprising the step of updating routinely the information ....*(Refer to Paper 7).

In response, applicants submit that the amendments made in claim 10 that clearly show that the prior art element is not an equivalent of the structure, the data records or acts disclosed in the present invention, as explained in the invention disclosures above

and as represented in the amended claim 10. Applicants have reviewed the cited paragraphs of the '852 application for claim 12 (dependent on claim 1) and conclude that, the materials disclosed are different and distinguishable from the present invention. Therefore this rejection of claim 12 should be withdrawn.

Since under the case law, for a rejection to be upheld under section 102(e) of 35 USC, "...every element of the claimed invention must be identically shown in a single reference...these elements must be arranged as in claim under review" (In re Bond, 910 F.2<sup>nd</sup> 831, 15 USPQ 2<sup>nd</sup> 1566). Therefore, under In re Bond, the cited art, Stimac, does not anticipate the invention. This is because several essential elements of the present invention are not present in the cited prior art. Applicants have also shown that the prior art is not an equivalent of the structure, material, or acts disclosed in the present application. See In re Mulder, 716 F.2d 1542,1549, 219 USPQ 189, 196 (Fed. Cir. 1983). Therefore, all of the rejections under section 102 above should be withdrawn.

### **35 U.S.C. § 103 Factual Inquiries and Rejections**

Applicant submits that the subject matter of the various claims was commonly owned at the time of the invention covered , in considering patentability under section 103(a).

**In paragraphs 31-32**, the Action states *Claim 2 is rejected .... Stimac ....in view of Taylor (U.S. Patent 5,832,497). Stimac does not explicitly teach a computer readable medium further comprising an accounting system connected to said process controller.*

*Taylor, however, teaches an accounting system connected to said process controller .... (Refer to Paper 7).*



In response, applicant submits that the claim amendments submitted herewith, clearly distinguish the present invention over Stimac. Stimac does not teach the accounting system.

Applicant refers to MPEP 2141.02 and specifically points out that in determining the differences between the prior art and the claims, the question under 35 USC 103, is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Stratoflex, Inc. v. Aeroquip Corp. 713 F. 2d 1530 218 USPQ 871 (Fed. Cir. 1983).

The Action cites Taylor for describing the accounting system. However, Taylor neither suggests or teaches the present invention. As a matter of law, the above rejection cannot be sustained. The Federal Circuit, in reference to references cited in an obviousness rejection, has held that: "The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention."

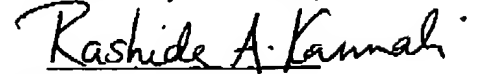
Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 1986 MPEP 2141.

Moreover, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable Expectation of success must be found in the prior art, and not based on applicant's disclosure. In re Vaeck 947 F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (MPEP §2143). Therefore, as a matter of fact and law, there is no basis to sustain the rejection of claim 2. This rejection should be withdrawn.

The Action has listed fourteen U.S. Patents/Published Applications as made part of record but not relied upon as prior art. Applicant is therefore not commenting upon these references.

If for any reason, the Examiner should deem this application not in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney to resolve any outstanding issues prior to issuing a further Office Action.

Respectfully Submitted,



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